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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/698,648
Filing Date: October 31, 2003
Appellant(s): EATON ET AL.

Remy J. Van Ophem (Reg. No. 27,053)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12 March 2012 appealing from the Office action mailed 12 October 2012.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Appeal Number 2009-005792 in which Examiner was affirmed and the Decision was mailed 19 February 2010.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

1-6, 8-26, 28-46 and 48-60.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office

action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

| | | |
|---------------|----------|---------|
| 2002/0049624 | RAVEIS | 04-2002 |
| JP 2001274946 | WATANABE | 10-2001 |
| 5,675,421 | OUCHI | 10-1997 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1–6, 8–26, 28–46 and 48–60 are not patentable 35 U.S.C. 103(a) over Raveis US Publication 2002/0049624 in view of Watanabe Japan Patent 2001-274946 and Ouchi US Patent 5,675,421.

Regarding claims 1, 21 and 41, as best understood by examiner, Raveis teaches automating at least some phases of real estate transfer (storing data relating to and coordinating the multitude of tasks associated with the purchase or sale of a property from contract to close) [0017], said method being centralized on at least one server and carried out over a distributed computer network to a plurality of client computers [Fig. 1 and disclosure associated with Fig. 1]. Raveis teaches:

creating a real estate record on said at least one server [0017, 0018];

Raveis does not explicitly teach receiving information from any fax source. However, Watanabe teaches capability and concept for receiving information from Facsimile equipment [Watanabe, 0009].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adopt the teachings of Watanabe and modify Raveis to electronically file the documents received from parties involved in a transaction; apply a known technique to a known device (method, or product) ready for improvement to yield predictable results; known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

Raveis in view of Watanabe teaches:

assigning a document routing number in the form of a unique identification number to said real estate record (**any field in customer's real estate record e.g. address of the property. In addition, assigning a unique identifier (document routing number can also be a unique identifier, e.g. account number) to a record in a database is old an known technology used by businesses. e.g. each customer is assigned a unique customer-id; each transaction is assigned a unique transaction-id; Citizens in USA are assigned unique Social Security Number, etc.**); Also, Watanabe teaches receiver ID to identify storage area where the document should be stored [Watanabe 0009].

Raveis in view of Watanabe does not explicitly recite voice prompting a sender to input document routing number. **However, it is old and know technology for prompting users to solicit input from the user (users are guided on using the system by voice prompting them to solicit appropriate input, e.g. in voicemail, users are prompted step by step to inform them how to store message for a particular user mailbox or retrieve voicemail by prompting users to provide their mailbox-id and password).** Ouchi teaches capability and concept of system and method of voice prompting (verbal guidance) to leave message to a particular unique location on the storage device or retrieve particular content from the storage device [Ouchi, col. 7, lines 18 – 26].

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Raveis in view of Watanabe by adopting teachings of Ouchi and

voice prompt sender to input document routing number to enable user to use the telephone pad to input mailbox number; apply a known technique to a known device (method, or product) ready for improvement to yield predictable results; known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

Raveis in view of Watanabe and Ouchi teaches capability and concept for:

Voice prompting a sender to input document routing number of said real estate record into said fax source [Ouchi, col. 7, lines 18 – 26].

associating said information to said real estate record using said document routing number [Watanabe, 0009];

storing said information on said at least one server in association with said real estate record identity [Raveis, Fig. 3a,b and disclosures associated with the Fig., Watanabe, 0009, 0010].

Regarding claims 2, 22 and 42, Reveis in view of Watanabe and Ouchi teaches capability and concept for receiving at least some portion of a property listing from a multiple listing service (available homes are listed in MLS) [Raveis, 0099].

Regarding claims 3, 23 and 43, Raveis in view of Watanabe teaches capability and concept for transmitting at least a portion of said real estate record to a multiple listing service [Raveis, 0099].

Regarding claims 4, 24 and 44, Raveis in view of Watanabe teaches capability and concept for converting said information into a digital document to be associated and stored in accord with said associating and storing steps [Watanabe, claim 11 and disclosure associated with claim 11].

Regarding claims 5, 25 and 45, Raveis in view of Watanabe teaches capability and concept for:

determining whether said document routing number matches any of a number of a plurality of real estate records [Watanabe claim 1 and disclosure associated with claim 1];

discarding said digital document if said determining step is negative (it a business choice to decide what course of action to take when the determining action is negative. Watanabe teaches storing document into a common document storage area, and also capability of discarding the document. [Watanabe, 0039, claim 2 and disclosure associated with claim 2].

Regarding claim 6, 26 and 46, Raveis in view of Watanabe teaches capability and concept for saving said digital document on said at least one server in accord with a matching real estate record if said determining step is positive.

Regarding claims 8, 28 and 48, Reveis in view of Watanabe and Ouchi teaches capability and concept for listing agent reviewing said information [Watanabe, 0028] and granting view rights to authenticated users, such that said users can access and view a digital representation of said information (Raveis teaches remote log-in) [Raveis, 0007]. It is business choice for implementing security measures and decide how the security measures are implemented.

Regarding claims 9, 29 and 49, as responded to earlier for claim 1 and 8, Raveis in view of Watanabe teaches capability and concept for listing agent marking information as secured or unsecured.

Regarding claims 10, 30 and 50, as responded to earlier for claims 1 and 8, Reveis in view of Watanabe and Ouchi teaches capability and concept for providing security clearance and access over said distributed computer network to at least some portions of said real estate record to a plurality of different users depending upon an assigned role of a user among said plurality of different users, said plurality of different users including buyers, sellers, brokers, managers, agents, financial entities, other third parties, or the like.

Regarding claims 11, 31 and 51, as responded to earlier for claims 1, 8 and 10, Reveis in view of Watanabe and Ouchi teaches capability and concept for providing a masquerade function whereby one of said plurality of different users can masquerade

as another of said plurality of different users (an agent can be a buyer agent for searching properties, and, the same agent can be a listing agent for posting their properties on to the MLS).

Regarding claims 12, 32 and 52, as responded to earlier for claims 1, 8 and 10, Reveis in view of Watanabe and Ouchi teaches capability and concept for tracking activity on said at least one server so as to provide an audit trail of said activity corresponding to said real estate record such as date of access, user identification, and the like [Raveis, 0003].

Regarding claims 13, 33 and 53, as responded to earlier for claims 1, 8 and 10, Reveis in view of Watanabe and Ouchi teaches capability and concept for administration by a real estate broker.

Regarding claims 14, 34 and 54, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe and Ouchi teaches capability and concept for enabling a real estate broker controlling at least a portion of said information, said at least a portion of information including a list of third party companies with whom said real estate record is associated, such that a listing agent must use only third party companies from said list to conduct said real estate transfer.

Regarding claims 15, 35 and 55, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe and Ouchi teaches capability and concept for real estate broker controlling at least a portion of said information, said at least a portion of said information including a scheduling master template.

Regarding claims 16, 36 and 56, as responded to earlier for claims 1, 8, 10, 13 and 15, Reveis in view of Watanabe and Ouchi teaches capability for automatically generating a schedule for said real estate record from said scheduling master template [Raveis, 0021].

Regarding claims 17, 37 and 57, as responded to earlier for claims 1, 8, 10, 13, 15 and 16, Reveis in view of Watanabe and Ouchi teaches capability and concept for schedule being automatically populated with a plurality of tasks and associated dates [Raveis, 0021].

Regarding claims 18, 38 and 58, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe and Ouchi teaches capability and concept for generating email communications to one or more of a plurality of users based on the happening of an event [Raveis, 0034].

Regarding claims 19, 39 and 59, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe and Ouchi teaches capability and concept for

automatically generating an email communication containing advertising information from said real estate record (content of an email is business choice).

Regarding claims 20, 40 and 60, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe and Ouchi teaches capability and concept for generating reports from said real estate record [Raveis, 0024, 0025].

(10) Response to Argument

In response to appellant's argument that cited references do not teach capability and concept of the claimed invention.

However, in the related Appeal Number 2009-005792 board had determined that cited references Ravies in view of Watanabe teaches the claimed invention. Following the Decision by the Board, Appellant amended the claimed invention by adding the limitation of using the voice response unit to communicate with the user. Cited references Ouchi clearly teaches capability and concept for using the voice prompting technology to communicate to enter the information [See, Ouchi, col. 7, lines 16 - 26].

In response to appellant's argument that cited references does not teach capability and concept for unique identification number.

However, cited reference Watanabe clearly teaches capability and concept for using unique ID to be able to determine which storage location should the received fax be stored at. In addition, Watanabe assigned Watanabe IDs are unique to be able to

properly store each of the received documents in appropriate storage locations [See Watanabe, 0009, Fig. 2, 3 and associated disclosure].

In response to appellant's argument that cited references do not teach capability and concept limiting using of unique ID to real estate transactions.

However, cited references teach capability and concept for storing received documents in appropriate storage locations (i.e. mailbox which can be identified using Real Estate Transaction number). Cited references clearly teach capability and concept for grouping associated documents together in one storage location which is same as intended by the appellant as their claimed invention.

(11) Related Proceeding(s) Appendix

Appeal Number 2009-005792. Copy of the Board Decision is attached with the Appeal Brief Pages 56-84, filed by the Appellant.

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided herein.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Naresh Vig/
Primary Examiner, Art Unit 3688

Conferees:

/JOHN G. WEISS/
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Appeals Practice Specialist